

**REMARKS/ARGUMENTS**

Applicant respectfully requests entry of this Amendment, reconsideration of this application, as amended, and reconsideration of the November 23, 2005, Office Action.

**I. GENERAL REMARKS REGARDING THE CONTENT OF THIS AMENDMENT**

Upon entry of this Amendment, claims 2-9, 11-19, 21-27, and 29-38 will remain pending in this application. Applicant has made the following changes through this Amendment: (a) original claims 1, 10, 20, and 28 have been canceled without prejudice or disclaimer; (b) original claims 2, 4, 7, 11, 14, 16, 21, 22, 24, 29, and 34 have been rewritten in independent form; (c) original claims 3 and 6 have been amended to depend from claim 2; (d) original claims 13, 15, and 19 have been amended to depend from claim 11; (e) original claim 23 has been amended to depend from claim 21; and (f) original claims 30, 32, 37, and 38 have been amended to depend from claim 29. No new matter is included in this Amendment, and no additional claim fees are due as a result of this Amendment.

**II. ALL CLAIMS STAND IN CONDITION FOR IMMEDIATE ALLOWANCE**

Applicant acknowledges, with appreciation, the Office's indication that claims 2, 4, 7-9, 11, 12, 14, 16-18, 21, 22, 24-27, 29, and 34-36 contain patentable subject matter. *See* the Office Action at page 3, Paragraph 5. As noted above, through this Amendment, Applicant has amended claims 2, 4, 7, 11, 14, 16, 21, 22, 24, 29, and 34 into independent form to include the subject matter of their base claim and any intervening claim(s), in the manner suggested in the Office Action. The remaining claims (*i.e.*, claims 3, 5, 6, 8, 9, 12, 13, 15, 17-19, 23, 25-27, 30-33, and 35-38) depend directly or indirectly from one of these independent claims. Accordingly, Applicant respectfully submits that all of the claims in this application stand in condition for immediate allowance. Allowance of these claims is earnestly solicited.

As noted above, Applicant canceled original claims 1, 10, 20, and 28 by this Amendment without prejudice or disclaimer. These claims, along with some of their original dependent claims, were rejected by the Office based on various cited documents. *See* the Office Action at page 2. While Applicant does not necessarily agree with or acquiesce in these grounds of rejection, in order

to expedite prosecution and to facilitate allowance of this application, Applicant has amended the application into allowable form in the manner suggested on page 3 of the Office Action and as described above. Applicant presents these claim changes solely for the purposes of expediting prosecution and facilitating the immediate allowance of this application. Applicant reserves all rights to pursue claims of the same or similar scope to the original and/or canceled claims in this application, *e.g.*, in a continuing application.

**III. APPLICANT REQUESTS CONFIRMATION OF CONSIDERATION OF THE MARCH 24, 2004, SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

The November 23, 2005, Office Action does not indicate that the Office considered the additional patent document cited by Applicant in the Supplemental Information Disclosure Statement filed March 24, 2004. A copy of that Supplemental Information Disclosure Statement is attached for the Examiner's convenience. Applicant's post card receipt, date stamped by the U.S. Patent and Trademark Office's Office of Initial Patent Examination, confirms that this Information Disclosure Statement was filed and was received by the U.S. PTO on March 24, 2004, well before the first Office Action issued in the present application. A copy of this post card receipt is attached.

Accordingly, Applicant respectfully requests that the Office confirm its consideration of the patent document cited in the March 24, 2004, Supplemental Information Disclosure Statement by initialing, signing, and dating the PTO-1449 Form in the spaces provided.

**IV. CONCLUSION**

If the Examiner believes that a personal or telephone interview will be useful to resolve any issues and/or to advance the prosecution of this application, she is invited to contact the undersigned attorney.

Applicant has filed a separate Fee Transmittal Sheet authorizing charges for additional independent claim fees. If any additional fees are required, such as fees under 37 C.F.R. §§ 1.16 or 1.17 or fees for consideration of the previously submitted Supplemental Information Disclosure Statement, or if an extension of time is necessary that is not accounted for in the papers filed with this Amendment, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any

**N. Scot Hull – U.S. Patent Application No. 10/781,328**

necessary fees, including any necessary extension fees. Any overpayment also can be credited to Deposit Account No. 19-0733.

All rejections having been addressed and clearly overcome, Applicant respectfully submits that the instant application is in condition for immediate allowance and respectfully solicits prompt notification of the same.

Respectfully Submitted,

BANNER & WITCOFF, LTD.

By: 

William F. Rauchholz  
Registration No. 34,701

BANNER & WITCOFF, LTD.  
1001 G Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20001  
(202) 824-3000 (Telephone)  
(202) 824-3001 (Facsimile)

Dated: February 23, 2006